



Docket No. 20518/62 (S-8492)

#13
Election
S. Bayce
12/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barrus et al. Group: 3763
Application No.: 10/016,276 Examiner: Catherine Serke
Filed: December 6, 2001 Confirmation No.: 4052
For: SAFETY SHIELD FOR MEDICAL NEEDLES

CERTIFICATE OF MAILING under 37 C.F.R. § 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the : Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Michelle A. Phinney

Date: November 25, 2003

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
DEC 09 2003

**RESPONSE TO OFFICE ACTION SETTING FORTH TECHNOLOGY CENTER R3700
A REQUIREMENT FOR AN ELECTION OF SPECIES**

Madam:

The Office Action mailed October 6, 2003 required an election to the following species of the claimed invention:

- A. Figs. 1-8
- B. Figs. 9-10,
- C. Figs. 11-12
- D. Figs. 13-18,
- E. Figs. 19-32, and
- F. Figs. 33-34.

In response thereto, Applicants provisionally elect, with traverse, species E, corresponding to Figures 19-32. All the claims, namely, claims 1-40 correspond to the elected species.

The Examiner's attention is drawn to Applicants' respectful request for reconsideration of the species requirement, or in the alternative, modification thereof. In particular, Applicants respectfully submit that the species A, B, C, D, E and F designated in the Office Action and corresponding to Figs. 1-34 should be combined as one specie, as they are so closely related that combining them would not provide an undue burden to consider them together. The claims which correspond to the combined specie would also include claims 1-40. Most certainly, the field of search for each would be identical. Accordingly, Applicants respectfully request reconsideration and modification of the species requirement as presented above.

In the Office Action, no claims were found generic. Applicants respectfully submit that at least independent claims 1, 15, 33 and 38 are generic to, at least, specie E. Therefore, upon the allowance of the generic claims all respective dependent claims would also be allowable. Support for this position may be found throughout the specification and drawings of the instant application.

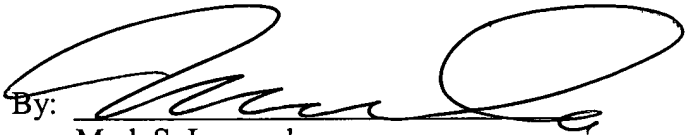
In view of the foregoing, early and favorable consideration of the application is respectfully solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, Applicants' undersigned attorney invites the Examiner to call him.

Please charge any deficiency, any extensions of time for responding as required, or any other fees which may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 50-0369.

Respectfully submitted,

Dated: November 25, 2003

By: 
Mark S. Leonardo
Reg. No. 41,433
Customer No. 21710
Attorney for Applicants

Mailing Address:

Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
Tel: 617-856-8145
Fax: 617-856-8201